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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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In the Matter of)
Implementation of the Non-Accounting) CC Docket No. 96-149
Safeguards of Sections 271 and 272 of the)
Communications Act of 1934, as amended)

COMMENTS OF SBC COMMUNICATIONS INC.
IN RESPONSE TO
FURTHER NOTICE OF PROPOSED RULEMAKING

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February 19, 1997

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Washington, D.C. 20554**

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On December 24, 1996, the Commission released its *First Report and Order and Further Notice of Proposed Rulemaking* herein. In the *First Report and Order* ("Order"), the Commission adopted non-accounting safeguards pursuant to Section 272 of the Communications Act to govern the entry by Bell operating companies ("BOCs") into the interLATA telecommunications services, interLATA information services, and manufacturing markets. In the Order, the Commission also concluded that, in order to implement Section 272(e)(1)¹ effectively, the BOCs must be required to make publicly available the intervals within which they provide services to themselves and their affiliates.

In the *Further Notice of Proposed Rulemaking* ("FNPRM"), the Commission sought comment concerning the manner in which BOCs must comply with this information disclosure requirement. Specifically, the Commission sought comment concerning the appropriate method of information disclosure, the service categories and units of measure for the information required to be disclosed, the frequency with which the information must be updated, the length of time that

¹Section 272(e)(1) provides that a BOC "shall fulfill any requests from an unaffiliated entity for telephone exchange service and exchange access within a period no longer than the period in which it provides such telephone exchange service and exchange access to itself or to its affiliates."

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BOCs should be required to retain the information, the appropriate level of aggregation of the information, and the consistency of these requirements with other reporting requirements. SBC Communications Inc. ("SBC") submits these Comments to address the questions and tentative conclusions that the Commission included in the FNPRM.

Before addressing those questions and tentative conclusions, however, SBC would reiterate the comments that it provided to the Commission in an ex parte filing (Letter of Todd F. Silbergeld, CC Docket No. 96-149, dated and filed November 6, 1996) in this docket. In that filing, SBC protested the fact that the Commission had proposed to impose a new and superfluous layer of federal reporting requirements. As SBC pointed out, these proposed new reporting requirements are unnecessary and are duplicative of state reporting obligations and service quality standards that have emerged from the interconnection negotiation and arbitration processes. Moreover, additional federal reporting requirements would impose substantial costs upon the BOCs with little or no public interest benefit. The Commission thus should reconsider its decision to require that service interval information be compiled and disclosed by the BOCs, particularly since the Commission's proposals are virtually identical the onerous and over-reaching information disclosure requirements submitted by AT&T (Letter of Charles E. Griffin, CC Docket No. 96-149, dated and filed October 3, 1996). If the Commission persists in imposing these information compilation and disclosure requirements, however, then SBC submits that it can comply with most of the requirements proposed by the Commission. The possible exception to that commitment stems from the fact that SBC is uncertain about the meaning of the parenthetical

statements in the Service Category column of the Commission's proposed disclosure format, and SBC thus requests that those statements be clarified before the reporting format is adopted.

I. METHOD OF INFORMATION DISCLOSURE

In the FNPRM, the Commission stated that it sought to avoid imposing any unnecessary administrative burdens on the BOCs, unaffiliated entities, and the Commission.² The Commission thus tentatively concluded that the BOCs need not submit directly to the Commission the data that must be disclosed under Section 272(e)(1) but rather that, upon receiving permission to provide interLATA services pursuant to Section 271, each BOC must submit to the Commission a signed affidavit stating: (1) the BOC will maintain the required information in a standardized format; (2) the information will be updated in compliance with Commission rules; (3) the information will be maintained accurately; and (4) the manner in which the information will be made available to the public.³ The Commission also tentatively concluded that each BOC must submit such an affidavit annually or within 30 days of any material change in the manner information is made available to the public.⁴

SBC supports these tentative conclusions. The affidavit requirement, rather than a report filing requirement, is an appropriate approach to ensuring availability of service interval information to the public. If this approach is adopted, SBC plans to make the required information available in at least one business office in each state served by Southwestern Bell Telephone Company, and the specific locations will be included in the annual affidavits. Furthermore, SBC would make the information available, compiled and organized on a state-by-

²FNPRM, ¶ 369.

³Id.

⁴Id.

state basis, on its home page on the Internet. Each monthly report would remain on the Internet for twelve months so that, after the first year, reports for twelve months updated on a rolling basis will be available to the public.

II. SERVICE CATEGORIES AND UNITS OF MEASURE

The Commission sought comment concerning whether the standardized format provided in Appendix C to the Order would be an appropriate manner to make information available to the public. SBC generally supports the Appendix C format, which includes seven service categories, if the Commission concludes that information must be kept in a standardized format.⁵ SBC's specific comments concerning the seven service categories are as follows:

1. Successful Completion According to Desired Due Date (measured in a percentage).

This service category is clearly defined and appropriate. SBC can provide this service interval information in the format requested.

2. Time from BOC Promised Due Date to Circuit being placed in service (measured in terms of percentage installed within each successive 24-hour period until 95% complete).

This service category is clearly defined and appropriate. SBC can provide this service interval information in the format requested, except that clarification of the parenthetical statement is necessary.

3. Time to Firm Order Confirmation (measured in terms of percentage received within each successive 24-hour period, until 95% completed).

⁵Note, however, SBC's general reservation concerning the parenthetical statements in the Service Category column of the format.

SBC submits that this service category can be measured using the application ("APP") time to Firm Order Confirmation ("FOC") time. The APP time would not commence until a BOC receives a complete and accurate Service Request. If a customer supplements a Service Request in a manner that modifies critical dates, then the FOC interval would recommence. With this clarification of service category 3, including the parenthetical statement, SBC can provide the service interval information in the format requested.

4. Time from PIC change request to implementation (measured in terms of percentage implemented within each successive 6-hour period, until 95% completed).

SBC submits that this interval measurement must take into account two ways in which primary interexchange carrier ("PIC") changes may be communicated to the BOC, as follows:

- 1) A subscriber may call a BOC business office and request a PIC change. In that case, a Service Order must be issued. The PIC change service interval would not commence until the Service Order has been typed and distributed over the Service Order Distribution ("SORD") system to all BOC employees who must perform work on the Service Order. The PIC change service interval is then measured from the time of Service Order Issuance ("SID date") to implementation of the PIC change.
- 2) An interexchange carrier may transmit PIC changes electronically using TCPIP or NDM into INEXS. PIC changes are then due to be implemented within 24 hours of the time the BOC business office receives the tape. The PIC change service

interval is measured from the time the electronic transmission is received in the BOC business office to the time of implementation.

With this clarification of service category 4, including parenthetical statement, SBC can provide the service interval information in the format requested.

5. Time to Restore and trouble duration (percentage restored within each successive 1-hour interval, until resolution of 95% of incidents).

While SBC is not sure that it understands the parenthetical phrase in this service category, SBC can provide the service interval information relating to time to restore and trouble duration in the format requested.

6. Time to restore PIC after trouble incident (measured by percentage restored within each successive 1-hour interval, until resolution of 95% restored).

While SBC is not sure that it understands the parenthetical phrase in this service category, SBC can provide the service interval information relating to time to restore PIC after trouble incident in the format requested.

7. Mean time to clear network / average duration of trouble (measured in hours).

This service category is clearly defined and appropriate. SBC can provide this service interval information in the format requested.

The Commission also sought comment on whether the proposed service categories and units of measure discussed above are more appropriate to implement Section 272(e)(1) than the categories currently included in the Open Network Architecture ("ONA") installation and maintenance reports or some other categories. The Commission pointed out that the service

categories discussed above address the provision of exchange access to interLATA providers, unlike ONA reports, which address the provision of ONA unbundled elements to enhanced services providers.⁶ SBC agrees with the Commission that, if information compilation and disclosure is to be required, its proposed service categories and units of measure are more appropriate in the context of Section 272(e)(1) compliance than are ONA installation and maintenance reports.

The Commission further sought comment on whether, and to what extent, the industry or state regulators currently collect data using service categories and units of measure included in the Commission's proposal, as well as on the need for BOCs to modify their current tracking systems to comply with that proposal.⁷ On October 8, 1996, SBC submitted on an ex parte basis information concerning the telephone service quality requirements of Arkansas, Missouri, Oklahoma, and Texas.⁸ The rules adopted by the Texas Public Utilities Commission, for example, require quarterly statistical reports of Southwestern Bell Telephone Company's provisioning of local exchange services. The Missouri Public Service Commission requires quarterly telephone service quality reports. Kansas regulators require telephone companies to file monthly service quality reports. Arkansas and Oklahoma presently require telephone companies to file service quality reports upon request. The various reports mentioned above provide the information that would also be required by the Commission's compilation and disclosure requirements, and SBC reiterates that there is no need for the Commission to prescribe duplicative reporting or disclosure requirements in this docket.

⁶FNPRM, ¶ 375.

⁷FNPRM, ¶ 377.

⁸Letter from Todd F. Silbergeld, CC Docket No. 96-149, dated and filed October 8, 1996.

III. FREQUENCY OF UPDATE AND LENGTH OF RETENTION

The Commission sought comment concerning how often the BOCs should be required to update the data that they must maintain.⁹ The Commission also sought comment on how long the BOCs must maintain such data.¹⁰

As stated previously, SBC would propose to update such data on a monthly basis. SBC would also propose to retain the data in at least one business office in each of its states, as well as on its home page on the Internet, for one year. Thus, after the first full year of data compilation and disclosure, interested parties would have access to twelve months of such data, updated on a rolling basis.

IV. LEVELS OF AGGREGATION

Because Section 272(e)(1) states that BOCs must fulfill service requests for unaffiliated entities in the period of time that the BOCs provide service to "itself or to its affiliates," the Commission sought comment on whether BOCs should aggregate their own service request interval information for each service category with the service request intervals of their affiliates.¹¹

The Commission also sought comment on whether BOCs should maintain separate data for each state in their service regions.¹²

The BOCs should aggregate their own service request interval information, by service category, with the corresponding information for their affiliates. Since competitors of BOC 272 affiliates would be unwilling for their service interval information to be made publicly available,

⁹FNPRM, ¶ 379.

¹⁰Id.

¹¹FNPRM, ¶ 380.

¹²Id.

the BOC 272 affiliate's service interval information likewise should not be made publicly available on an unaggregated basis. Furthermore, since the standard for nondiscrimination under Section 272(e)(1) is "the period in which it provides such telephone exchange service and exchange access it itself or to its affiliates," aggregation of BOC information with that of its affiliates is appropriate.

The Commission also sought comment on whether the BOCs should provide the information required in service categories four and six, described above in Section II, by carrier identification code (CIC). It further sought comment on whether the BOCs should provide the information required by service category seven in two subcategories: DS1 Non-Channelized and DS0. The Commission sought comment on whether information in all other service categories should be broken down into three subcategories: DS3, DS1, and DS0. It also sought comment on whether, in the alternative, the DS0 subcategory should be further divided into DS0 Voice Grade and DS0 Digital, as suggested by AT&T.¹³ SBC is able, if required, to make information available in that format and using those subcategories.

V. CONSISTENCY WITH OTHER REPORTING REQUIREMENTS

The Commission sought comment on whether the information provided under Automated Reporting Management Information System, ("ARMIS") form 4305 or 4306 provides sufficient information to implement Section 272(e)(1), as several BOCs suggested, or whether further disaggregation of the ARMIS service categories is necessary, as MCI suggested.¹⁴ ARMIS is a Service Quality Report that collects data designed to capture trends in service quality under price

¹³FNPRM, ¶ 381.

¹⁴FNPRM, ¶ 382

cap regulation. SBC submits that the ARMIS report is not consistent with the service interval information described in Section 272(e)(1), and, therefore, it should not be modified in an attempt to satisfy this new information disclosure requirement.¹⁵

VI. CONCLUSION

The Commission has concluded that, in order to implement Section 272(e)(1) effectively, the BOCs must be required to make publicly available the intervals within which they provide services to themselves and their affiliates. In the FNPRM, the Commission sought comment concerning the manner in which BOCs must comply with this information disclosure requirement. As SBC has pointed out repeatedly, these proposed new reporting requirements are unnecessary and costly as well as duplicative of state reporting obligations and service quality standards that have emerged from the interconnection negotiation and arbitration processes. The Commission thus should reconsider its decision to require that service interval information be compiled and disclosed by the BOCs. However, if the Commission persists in imposing these information compilation and disclosure requirements, then SBC submits that it can comply with most of the requirements proposed by the Commission. The possible exception to that commitment stems from the fact that SBC is uncertain about the meaning of the parenthetical statements in the Service Category column of the Commission's proposed disclosure format, and SBC thus requests that those statements be clarified before the format is adopted.

Respectfully submitted,

SBC COMMUNICATIONS INC.

¹⁵Also, Section 402(b)(2)(B) of the Telecommunications Act of 1996 provided for annual ARMIS reports, rather than the monthly information disclosure that SBC has described herein. The Commission recently issued orders to implement this provision of the 1996 Act.

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February 19, 1997

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "Comments of SBC, Communications Inc. In Response to Further Notice of Proposed Rulemaking" in Docket No. 96-149 has been filed this 19th day of February, 1997 to the Parties of Record.

A handwritten signature in black ink, reading "Katie M. Turner". The signature is written in a cursive style with a large, looping initial "K" and a long, sweeping underline.

Katie M. Turner

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